



DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND
500TH MILITARY INTELLIGENCE BRIGADE
SCHOFIELD BARRACKS HAWAII 96857-5000

IAPD-CJA

16 June 2006

MEMORANDUM FOR MEMBERS OF THE 500TH MILITARY INTELLIGENCE BRIGADE

SUBJECT: Allegations of Misconduct, Investigations, and the Administration of Military Justice Policy

1. References.

- a. Manual for Courts-Martial (2005 Edition)
- b. Army Regulation (AR) 27-10, Military Justice, dated 13 July 2005
- c. INSCOM Policy Memorandum No. 15, dated 27 October 2005

2. Purpose.

- a. To remind commanders of their obligation to investigate all misconduct within their commands.
- b. To inform subordinate commanders of the actions on which Commander, INSCOM has withheld authority and to withhold the exercise of authority on additional specified misconduct to the Commander, 500th Military Intelligence Brigade.
- c. To notify commanders that all legal actions (UCMJ, administrative, 15-6 investigations) will be coordinated with the Office of the Command Judge Advocate, 500th MI Brigade.

3. Policy and Procedures.

a. **Policy.**

(1) In accordance with Rule for Courts-Martial 303, commanders shall initiate an inquiry (i.e. Commander's Inquiry) into every suspected or alleged act of misconduct within their commands. Serious misconduct shall be immediately reported to the appropriate DoD law enforcement agency (i.e. Military Police or CID).

(2) The Commander, INSCOM has reserved disposition of all adverse actions (including military justice actions) involving all Soldiers in the rank of E-7 and above. Any information regarding potential misconduct by these individuals must be forwarded in writing (e-mail is sufficient) to the Commander, 500th MI Brigade within **48 hours** with a courtesy copy provided to the Command Judge Advocate.

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(3) In accordance with this policy memorandum, the authority to dispose of cases involving driving under the influence of alcohol, and possession, use, or distribution of illegal drugs or paraphernalia and any misconduct committed by a Soldier in the rank of E-6 is reserved to the Battalion level commander. Subordinate commanders must immediately forward such cases to the appropriate level commander for disposition.

(4) The Commander, 500th MI Brigade additionally reserves the authority to impose non-judicial punishment on, or otherwise dispose of, all cases alleging misconduct relating to aggravated assault, serious sexual misconduct (i.e. rape, carnal knowledge, indecent assault, and indecent acts) and any offense involving a death.

b. **Procedures.** Upon discovery of allegations of misconduct addressed in paragraph a, above, the chain-of-command of the Soldier(s) involved in that alleged misconduct shall, as soon as practicable, inform the Commander, 500th MI Brigade of the facts and surrounding circumstances of that alleged misconduct. Further, the immediate commander shall consult with the Command Judge Advocate, 500th MI Brigade, in order to determine the appropriate course of action to ensure that the allegations of misconduct are properly investigated (e.g., investigation in accordance with Rule for Courts Martial 303, AR 15-6, or referral to the Military Police or to the Criminal Investigation Division (CID) for investigation).

c. **Release of Authority.** The Commander, 500th MI Brigade, retains sole discretion to determine whether to release authority to subordinate commanders to dispose of cases involving the categories of military personnel and categories of alleged misconduct addressed in paragraphs 2a(2) and (3), above.

d. **Coordination of Military Justice/other Legal Actions.** All legal actions (i.e. UCMJ, Administrative, and investigations) within the command will be coordinated through the Command Judge Advocate, 500th MI Brigade.

4. The point of contact for this policy memorandum is the Command Judge Advocate, CPT Eric Bahm, at (808) 655-6088 or michael.eric.bahm@us.army.mil.

5. This memo supersedes all previous memos regarding this subject.



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COL, MI
Commanding